

## REMARKS

Claims 12 and 16 have been amended to correct typographical errors in the claims. Claims 2-10, 12, 16-20, and 24-43 are pending in this application. Applicants believe that the present application is now in condition for allowance and prompt and favorable action is respectfully requested.

### I. CLAIM OBJECTION

The Examiner objected to claims 12 and 16 due to several informalities. Applicants have amended claims 12 and 16 to correct the typographical errors contained therein.

### II. CLAIM REJECTIONS UNDER 35 USC §102

Claims 2-4, 7, 8, 12, and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Larsson et al. (US Patent 5,956,642).

The Examiner in responding the Response to the prior Office Action by Applicants states that in "steps 424 and 426 of Figure 4A, teaches averaging power of noises of all N channels and averaging power of M used channels." (Final Office Action at page 8). Applicants respectfully disagree with this assessment.

Larsson et al. discloses that at "step 424 the link receiver measures I on the set of N channels." (Col. 12, ll. 11-12). In Larsson et al., "T" denotes the interference of each channel. More specifically, Larsson et al. discloses that "at step 402 the link receiver receives from the system a measurement order message to measure interference (I) on each of a group of N channels available for the link." (Col. 11, ll. 14-17). That is, Larsson et al. measures interference on multiple channels. Applicants submit that while measuring interference on a particular channel may use the power on that channel, measuring a total interference need not require measuring or using, in any way, a "total received power" over a group of channels.

Further, at step 426 Larsson et al. discloses that "the link receiver measures C/I on each of the channels subset of M channels," where the "C/I measurements are also averaged with the last n previous C/I measurements." (Col. 12, ll. 20-22). Again, Applicants submit that while measuring the C/I of a particular channel may involve measuring the power of that channel, the sum of the C/I of several channels does not involve measuring the total power received on the several channels.

Claim 8 recites, amongst other things, "determining a total received power at a receiver." As discussed above, while Larsson et al. may allow for the determining a power of any particular subchannel or channel, it does not determine "a total received power at a receiver" or even a sum of the power received on multiple subchannels. Therefore, for at least this reason, claim 8 is allowable over Larsson et al.

Claims 2-4 and 7 depend from claim 8 and are therefore allowable for at least the same reason as claim 8.

Claim 12 recites, amongst other things, "determining a total received power at a receiver." As discussed with respect to claim 8, while Larsson et al. may allow for the determining a power on any particular subchannel or channel, it does not determine "a total received power at a receiver" or even a sum of the power received on multiple subchannels. Therefore, for at least this reason, claim 12 is allowable over Larsson et al.

Claims 2-4 and 7 depend from claim 8 and are therefore allowable for at least the same reason as claim 8.

Claim 16, as amended recites, "a sub-carrier scheduler coupled to the signal to noise ratio determination module, the sub-carrier scheduler configured to schedule a number of sub-carriers based, at least in part, on whether the signal to noise is within a predetermined range and the total received power at the receiver." As discussed with respect to claim 8, while Larsson et al. may allow for the determining a power on any particular subchannel or channel, it does not determine "a total received power at a receiver" or even a sum of the power received on multiple subchannels. Therefore, for at least this reason, claim 16 is allowable over Larsson et al.

### **III. CLAIM REJECTIONS UNDER 35 USC §103**

#### **A. Claims 5 and 17**

Claims 5 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Wright (US Patent 6,570,444). Claim 5 depends from claim 8, and is allowable for at least the same reasons as stated with respect to claim 8. Claim 17 depends from claim 16, and is allowable for at least the same reasons as stated with respect to claim 16.

**B Claims 6 and 18**

Claims 6 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Magee et al. (US Patent 6,563,885). Claim 6 depends from claim 8, and is allowable for at least the same reasons as stated with respect to claim 8. Claim 18 depends from claim 16, and is allowable for at least the same reasons as stated with respect to claim 16.

**IV. OBJECTED CLAIMS**

Claims 13 and 14 have been objected to as depending on rejected claim 12. Applicants submit that claim 12 is allowable as stated above, and therefore claims 13 and 145 should be allowed.

**V. ALLOWABLE SUBJECT MATTER**

Claims 9, 10, 19, 20, and 24-43 have been allowed.

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**CONCLUSION**


In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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